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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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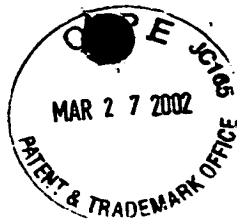
TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/885,263
	Filing Date	05/29/2001
	First Named Inventor	Mark J. Pivac
	Group Art Unit	3611
	Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number 01-307

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copies of correspondence previously submitted that includes oath and declaration and payment of filing fee.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James R. Smith, Registration No. 41,318
Signature	<i>James R. Smith</i>
Date	March 19, 2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope address to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 03/19/2002			
Typed or printed name	James R. Smith	Date	3/19/2002
Signature	<i>James R. Smith</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
)
MARK J. PIVAC) Art Unit: 3611
)
Application No.: 09/885,263) Examiner: Unknown
)
Filed: 05/29/2001) Paper No.:
)
For: SUSPENSION LEVELING SYSTEM)
)
)
Attorney Docket No.: 01-307)
_____)

Peoria, Illinois 61629-6490

19 MARCH, 2002

Assistant Commissioner for Patents
Initial Patent Examination Division
Washington, D.C. 20231

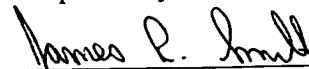
Response to NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION

Sir:

In response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION dated 03/11/2002, applicant respectfully submits that such NOTICE is in error. In support of applicant's position, attached please find a true copy of the correspondence submitted to the USPTO on 08/23/2001 requesting conversion of the provisional application to a nonprovisional application under 37 C.F.R. 1.53(c)(3), along with a copy of the fee transmittal authorizing the USPTO to charge applicant's deposit account in the then proper amount of \$840. Also provided is a copy of the Declaration and Power of Attorney as submitted with the provisional application corresponding to the present application. Applicant further respectfully submits that the aforementioned Declaration is in proper form because 27 C.F.R. 1.63 does not require that any such identification of the application include the serial number and filing date.

Please contact applicant's undersigned attorney if further clarification is required.

Respectfully submitted,



James R. Smith

Registration No. 41,318

Telephone: (309) 636-1569

Facsimile: (309) 675-1236



MAR 27 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/885,263	05/29/2001	Mark J. Pivac	01-307L

CONFIRMATION NO. 5396

FORMALITIES LETTER



OC000000007612095

719
CATERPILLAR INC.
100 N.E. ADAMS STREET
PATENT DEPT.
PEORIA, IL 616296490

Date Mailed: 03/11/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 870.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



DECLARATION AND POWER OF ATTORNEY

I, Mark J. Pivac, declare that I am a citizen of Australia, residing at Perth, Australia, and that I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SUSPENSION LEVELING SYSTEM

the specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to be material to patentability as defined in §1.56. I further declare that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint James R. Smith, Patent Office Reg. No. 41,318, telephone (309) 636-1569, J. Wesley Blumenshine, Patent Office Reg. No. 32,399, telephone (309) 675-5537, J. W. Keen, Patent Office Reg. No. 28,432, telephone (309) 675-5753, and Dennis C. Skarvan, Patent Office Reg. No. 35,360, telephone (309) 675-6060, my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected with this application. Please address all correspondence to: James R. Smith, Caterpillar Inc., Intellectual Property Department, AB6490, 100 N.E. Adams Street, Peoria, Illinois 61629-6490.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

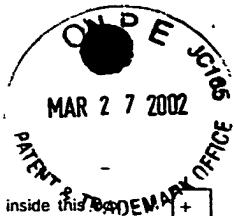
MARK J. PIVAC

Post Office Address:

11 Keane Way
6076 Lesmurdie
AUSTRALIA

19 JUN 01.

Date



Please type a plus sign (+) inside this box.

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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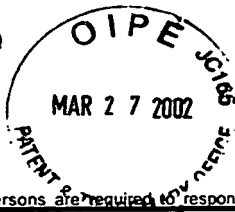
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	(Unassigned)
	Filing Date	May 29, 2001
	First Named Inventor	Mark J. Pivac
	Group Art Unit	(Unassigned)
	Examiner Name	(Unassigned)
Total Number of Pages in This Submission	Attorney Docket Number	01-307

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input checked="" type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Acknowledgement Postcard Request/Petition Under CFR 1.53 (c)
Remarks		This is a request to convert provisional application, Serial No. 60/294,067, filed May 29, 2001, to a non-provisional application.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James R. Smith, Registration No. 41,318
Signature	
Date	August 23, 2001

U.S. POSTAL EXPRESS-MAILING LABEL NO. EL744441408US	
This correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this date: 08/23/2001	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)

840

Complete if Known

Application Number	(Unassigned)
Filing Date	May 29, 2001
First Named Inventor	Mark J. Pivac
Examiner Name	(Unassigned)
Group Art Unit	(Unassigned)
Attorney Docket No.	01-307

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1129
Deposit Account Name _____

- ☒
- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
-
- ☐
- Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	710
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$) 710

2. EXTRA CLAIM FEES

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims	19	-20** =	0	X	18	=	0
Multiple Dependent Claims	3	-3** =	0	X	80	=	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	130
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	James R. Smith	Registration No. (Attorney/Agent)	41,318	Telephone	(309) 636-1569
Signature	<i>James R. Smith</i>	Date	08/23/2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Mark J. Pivac)
Application No. 60/294,067)
Filed: May 29, 2001)
For: SUSPENSION LEVELING SYSTEM)
Attorney Docket No. 01-307)
_____)

Peoria, Illinois 61629-6490
August 23, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

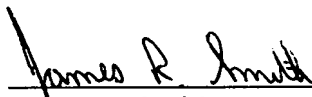
REQUEST FOR CONVERSION OF PROVISIONAL
TO NON-PROVISIONAL APPLICATION
(37 C.F.R. § 1.53(c)(3))

Sir:

Please convert the above identified provisional application filed to a non-provisional application under 37 C.F.R. § 1.53(c)(3).

A Declaration executed by the inventor is enclosed.

Respectfully submitted,



James R. Smith
Reg. No. 41,318
Caterpillar Inc.

Telephone: (309) 636-1569
Facsimile: (309) 675-1236

03/29/2002 BABRAHA1 00000106 031129 09885263
01 FC:122 130.00 CH

Adjustment date: 02/12/2003 JTIPPETT
03/29/2002 BABRAHA1 00000106 031129 09885263
01 FC:122 130.00 CR